

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 3:19-CR-77-TAV-DCP
	)	
GEORGE ED ERWIN,	)	
	)	
Defendant.	)	

**ORDER**

This case is before the Court on the Motion of Undersigned Counsel for the Defendant George Ed Erwin for Substitute Counsel [Doc. 336], filed by Attorney Francis L. Lloyd, Jr., and referred [Doc. 339] to the undersigned on August 13, 2021. *See* 28 U.S.C. § 636(b). On May 22, 2019, the Court appointed Mr. Lloyd as counsel of record for Defendant Erwin [Doc.21]. In the instant motion, Mr. Lloyd asks to withdraw due to health conditions requiring him to conclude his law practice. Mr. Lloyd states that he can no longer render the effective assistance of counsel to Defendant Erwin. Mr. Lloyd states that he will advise Defendant of this motion and his need to withdraw as counsel. Mr. Lloyd asks the Court to substitute new counsel for Defendant Erwin and to extend the deadline for objecting to the Presentence Report to allow new counsel to become familiar with the case.

A defendant seeking the substitution of court-appointed counsel must show good cause for the substitution, such as an actual conflict of interest, a complete breakdown in communications between attorney and client, or an irreconcilable break in the attorney-client relationship. *Wilson v. Mintzes*, 761 F.2d 275, 280 (6th Cir. 1985). Based upon the information in the motion, the undersigned finds good cause to substitute counsel, due to Mr. Lloyd's inability

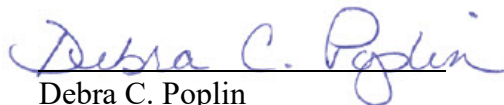
to represent Defendant Erwin at this time. Accordingly, the Court finds the substitution of counsel is necessary in this case, and the Motion for Substitute Counsel [**Doc. 336**] is **GRANTED**. The Court has contacted Attorney Stephen G. McGrath, who agrees to accept representation of Defendant Erwin.

The Court **ORDERS** as follows:

- (1) The Motion of Undersigned Counsel for the Defendant George Ed Erwin for Substitute Counsel [**Doc. 466**] is **GRANTED**;
- (2) Attorney Francis L. Lloyd, Jr., is **RELIEVED** of his representation of Defendant Erwin. Mr. Lloyd is **DIRECTED** to provide the discovery and information from the Defendant's file to new counsel as soon as possible;
- (3) Attorney Stephen G. McGrath is **SUBSTITUTED** and **APPOINTED** as Defendant Erwin's counsel of record, pursuant to the Criminal Justice Act, 18 U.S.C. § 3006A;
- (4) Mr. McGrath is **DIRECTED** to inform Defendant Erwin of this Order and his appointment as soon as possible;
- (5) Defendant Erwin is set for a sentencing hearing before United States District Judge Thomas A. Varlan on **September 2, 2021, at 2:00 p.m.** If defense counsel needs additional time to prepare for sentencing, he should contact Judge Varlan's Chambers; and
- (6) The Clerk of Court is **DIRECTED** to add Mr. McGrath as Defendant Erwin's counsel of record in this case.

**IT IS SO ORDERED.**

ENTER:

  
Debra C. Poplin  
United States Magistrate Judge